

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN GARRETT SMITH,
Petitioner,

v.

RON HAYNES,
Respondent.

CASE NO. C19-5394RBL
ORDER

THIS MATTER is before the Court on its own motion following the Ninth Circuit's Dismissal of Petitioner Smith's interlocutory appeal [Dkt. # 52], and on Magistrate Judge Creatura's Report and Recommendation, recommending the Court deny Smith's § 2254 habeas petition.

(1) The Report and Recommendation [Dkt. # 42] is **ADOPTED**;

(2) Petitioner Smith's §2254 habeas petition [Dkt. # 7] is **DENIED**;

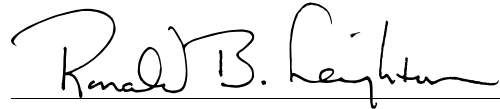
(3) For the reasons articulated in the R&R, the Court will **NOT** issue a Certificate of Appealability; and

(4) Smith's *in forma pauperis* status is **REVOKED** in the event of an appeal.

1 The matter is closed.

2 IT IS SO ORDERED.

3 Dated this 27th day of July, 2020.

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5 Ronald B. Leighton
6 United States District Judge
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